IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 1478 (M/B) 2001
(Old No. 7617/1993)

Anand Swarup Kaushik,
and one another ……... Petitioners

Versus

State of U.P.,
and one another …… Respondents

Mr. Lok Pal Singh, Advocate, for the Petitioner.
Mr. K.P. Upadhayaya, for the State.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 09.09.2003:

PC:

The petitioners were the owners of the land at village Ahmadpur Karach district Saharanpur(now district Haridwar). The petitioners land was acquitted by the State of U.P. for development of Housing colony for Avas Vikas Parishad, Lucknow. Except for the property in dispute, total 25 Bighas, 3 Viswa and 10 Viswansi land was acquired. The petitioners claim that they were given three plots in exchange of the land acquired for which no compensation was paid. The petitioners have invited our attention to the letter of allotment of three plots in question. That allotment order is dated 15.21.1993. According to the petitioners, they were required to pay consideration @ 110/- per square meter. According to the petitioners, the Corporation has demanded consideration f@ Rs. 420/- per square meter. The petitioners are ready and willing to purchase the three plots @ Rs. 110/- per squire meter. They have challenged the demand made by the Corporation for consideration at the rate of Rs. 420/- per sq. meter. Till today, the allotment has not been finalized because of the dispute in the rate. At this point of time it is not for the Court to fix the rate. However, we direct the Corporation to consider the representation of the petitioners in accordance with law and fix the rate as per the sale instances prevalent in the locality in the year 1993. The representations will be disposed of by the Corporation giving reasons and giving particulars of the sale instances in the surrounding locality on 15.1.1993.

Subject to above, the writ petition is rejected.

(Rajesh Tandon, J.) **(S.H.Kapadia, C.J.)**

AK.